

REMARKS

This Amendment is filed in response to the Office Action dated March 29, 2006. For the following reasons this application should be allowed and the case passed to issue. No new matter is introduced by this Amendment. The amendment to claim 1 is supported by claims 8 and 11, and claim 11 supports the amendment to claim 13.

Claims 1, 4-7, 9, 10, 13, and 16 are pending in this application. Claims 1, 4-11, 13, and 16 have been rejected. Claims 1 and 13 have been amended in this response. Claims 8 and 11 were canceled in this response. Claims 2, 3, 12, 14, and 15 were previously canceled.

Claim Rejections Under 35 U.S.C. § 112

Claims 1, 4-11, 13, and 16 were rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide enablement for the formation of a nanoparticle of a metal in which the metal is incorporated into the cavity of any protein.

Claims 1, 4-11, 13, and 16 were rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide enablement for the formation of a nanoparticle of a metal in which the metal is incorporated into the cavity of apo ferritin at any alkaline pH.

These rejections are traversed, and reconsideration and withdrawal thereof respectfully requested.

It is believed that the claims as previously presented were fully enabled. However, in order to advance prosecution of this application, claims 1 and 13 have been amended to more precisely define the invention. Claims 1 and 13, as amended, require the protein to be apo ferritin. In addition, amended claim 1, requires that the pH of the solution after mixing is 8 or greater and 9 or less.

The amendments to claim 1 directly address the Examiner's arguments in the Office Action of March 29, 2006. The Examiner urged that the specification is enabling for apoferritin as the protein and for an alkaline buffer solution with a specific pH range. Claim 1 has been amended to require both apoferritin and a specific pH range for the alkaline buffer solution. Thus, the amendments overcome the Examiner-asserted enablement rejections. Applicants submit that the claims fully comport with the requirements of 35 U.S.C. § 112.

The dependent claims are allowable for at least the same reasons as claim 1 and further distinguish the claimed invention. As the enablement rejections have been overcome, and there are no prior art rejections, Applicants submit that this application is in condition for allowance.

In view of the above amendments and remarks, Applicants submit that this application should be allowed and the case passed to issue. If there are any questions regarding this Amendment or the application in general, a telephone call to the undersigned would be appreciated to expedite the prosecution of the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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